

## Message Text

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ACTION ARA-14

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-10  
L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15 ICA-11  
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R 171915Z APR 78  
FM AMEMBASSY SAN SALVADOR  
TO SECSTATE WASHDC 7706  
INFO AMEMBASSY GUATEMALA  
AMEMBASSY TEGUCIGALPA  
AMEMBASSY MANAGUA  
AMEMBASSY SAN JOSE  
USCINCSO QUARRY HEIGHTS CZ

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E.O. 11652: N/A  
TAGS: SHUM PGOV PINT PINS ES  
SUBJ: CHRISTIZS DEMOCRATIC PARTY (PDC) PRESENTS PETITION TO SUPREME  
COURT TO HAVE LAW OF PUBLIC ORDER DECLARED UNCONSTITUTIONAL

BEGIN UNCLASSIFIED. SUMMARY. PDC AND OTHER LAWYERS HAVE REPORTEDLY  
PRESENTED A PETITION TO SUPREME COURT ASKING IT TO DECLARE AS  
UNCONSTITUTIONAL THE LAW OF DEFENSE AND GUARANTEE OF PUBLIC ORDER.  
END SUMMARY.

1. ACCORDING TO PRESS REPORTS, LEADERS OF THE CHRISITIAN DEMOCRATIC  
PARTY (PDC) AND SECERAL LAWYERS, ACTING IN THEIR CAPACITY AS  
CITIZENS, PRESENTED DURING THE WEEK OF APRIL 2 A PETITION TO THE  
SUPREME COURT ASKING THAT IT DECLARE AS UNCONSTITUTIONAL THE LAW OF  
DEFENSE AND GUARANTEE OF PUBLIC ORDER. AMONG THE PERSONS LISTED AS  
PRESENTING THE PETITION ARE: JULIO ADOLFO REY PRENDES (SECRETARY-  
GENERAL OF THE PDC), ROBERTO LARA VELDAO (FORMER PDC DEPUTY AND  
CITY COUNCILMAN FOR SAN SALVADOR), HECTOR DADA HIREZI (SECRETARY OF  
STUDIES ON THE PDC'S EXECUTIVE COMMITTEE), HERNAM ALBERTO ARENE,  
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EDUARDO BENJAMIN COLINDRES, AND MARIANELLA GARCIA VILLAS (FORMER  
PDC DEPUTY).

2. AMONG THE GROUNDS MENTIONED IN THE PETITION FOR  
DECLARING THE LAW UNCONSTITUTIONAL WERE WHAT THE PETITIONERS  
CONSIDERED THE OVERLY BROAD AND GENERAL PROVISIONS OF THE LAW  
WHICH WOULD RENDER UNLAWFUL MANY "ACTS PERFECTLY COMPATIBLE WITH

A REPUBLICAN AND DEMOCRATIC REGIME AND, WHAT IS WORSE, THOSE ACTS WHICH CONSTITUTE THE EXERCISE OF FUNDAMENTAL HUMAN RIGHTS SET FORTH IN CONSTITUTIONAL GUARANTEES."

3. ARTICLE 96 OF THE EL SALVADORAN CONSTITUTION DECLARES: "THE SUPREME COURT OF JUSTICE SHALL BE THE SOLE TRIBUNAL HAVING JURISDICTION TO DECLARE THE UNCONSTITUTIONALITY OF LAWS, DECREES, AND REGULATIONS BY THEIR FORM OR CONTENT, IN A GENERAL OR COMPULSORY MANNER, AND IT MAY DO SO ON THE PETITION OF ANY CITIZEN." THE SUPREME COURT IS COMPOSED OF TEN MAGISTRATES WHO DIVIDE UP FUNCTIONS OF COURT INTO SEVERAL JUDICIAL CHAMBERS (OR "SALAS") THE "SALA DE AMPAROS" IS THE ONE THAT NORMALLY CONSIDERS CONSTITUTIONAL ISSUES AND IT IS HARD TO ESTIMATE HOW MUCH TIME IT WILL TAKE TO RENDER A DECISION. END UNCLASSIFIED.

4. BEGIN LIMITED OFFICIAL USE. COMMENT: THE UNITED NATIONAL OPPOSITION (UNO), OF WHICH THE PDC IS A MEMBER, HAS MADE KNOWN BEFORE ITS OPPOSITION TO THE LAW OF PUBLIC ORDER IN A PAID POLITICAL TELEVISION BROADCAST ON FEBRUARY 9 (SEE SAN SALVADOR 0730) AND IN A PRESS CONFERENCE ON MARCH 21 (SEE SAN SALVADOR 1423). IN A TALK WITH EMBOFFS ON JANUARY 24, 1978, ROGELIO CHAVEZ, PRESIDENT OF THE SUPREME COURT SAID THE LAW OF PUBLIC ORDER WAS NOT IN CONFLICT WITH ANY OF THE INDIVIDUAL SECURITY GUARANTEES OF THE CONSTITUTION. HE ADDED THAT, IN HIS OPINION, IF A CUSE CALLING INTO QUESTION THE LAW'S CONSTITUTIONALITY CAME BEFORE LIMITED OFFICIAL USE

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THE SUPREME COURT, ITS CONSTITUTIONALITY WOULD BE UPHELD. BECAUSE OF THESE STATEMENTS, AND THE FACT THAT JUDGES DO NOT ENJOY THE SAME INDEPENDENCE AS DO THOSE IN OTHER COUNTRIES, IT DOES NOT SEEM LIKELY THAT PDC PETITION WILL BE SUCCESSFUL. DEVINE

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## Message Attributes

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